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18 September 2019

ZZZ106295.E

Brazil and Haiti: Employment situation of Haitians in Brazil, including treatment in the workplace; whether Haitians face discrimination in hiring; state recourse available (2018-June 2019)

Research Directorate, Immigration and Refugee Board of Canada

1. Access to Employment

According to the Economist Intelligence Unit (EIU), Brazil's economy was in a recession in 2015-2016, and has experienced "weak" recovery in 2017-2019 (EIU 31 May 2019, 8). The *Bertelsmann Stiftung Transformation Index (BTI) 2018*, which provides country-by-country analysis of developments that relate to political and economic trends, states that in 2016, the average unemployment rate reached 11.5 percent, the "highest in the country's history" (Bertelsmann Stiftung 2018, 2, 4). The

BTI 2018 also indicates that racial inequality "remains a serious problem," as the "high-income population is essentially white, while most Brazilians who live in poverty are black" (Bertelsmann Stiftung 2018, 15).

According to the 2019 annual report of the Observatory of International Migration (Observatório das migrações internacionais, OBMigra) [1], Haitians make up the largest immigrant nationality in the formal labour market in Brazil, with 45,873 residence authorizations approved between 2011 and 2018 (OBMigra 2019, 47). The 2018 annual report by the same source cites information from the Federal Police (Departamento de Polícia Federal) indicating that 95,497 Haitians had registered as long-term migrants between 2010 and 2017 (OBMigra 2018, 63). According to the 2019 report, 128,968 Haitians entered Brazil between 2010 and 2018, and 32,495 have left (OBMigra 2019, 78). According to the same report, citing information from the Ministry of Labour (Ministério do Trabalho), between 2010 and 2018, a total of 90,607 work permits (Carteiras de Trabalho) were issued to Haitian residents, with another 8,560 issued in the first six months of 2019 (OBMigra 2019, 51, 68). According to the Washington-based Migration Policy Institute (MPI), though Brazil granted humanitarian visas and permanent residency to approximately 98,000 Haitians in the aftermath of the 2010 earthquake, some 30,000 have left the country for reasons that include the economic recession (MPI 29 Mar. 2018).

According to OBMigra's 2018 annual report, in 2016, there were 25,782 Haitians employed in formal labour, with 35,658 registered in 2017 (OBMigra 2018, 116). The same source indicates that of those Haitians employed in formal labour, the majority were employed in industries related to the production of goods and services, accounting for 22,312 out of 35,658 formal jobs in 2017, and the services sector, accounting for 9,781 of 35,658 jobs in 2017 (OBMigra 2018, 120). According to OBMigra's 2019 annual report, 15,490 Haitians were hired in the first six months of 2019, and 13,008 were dismissed or resigned (OBMigra 2019, 70).

OBMigra's 2018 annual report cites information from the Ministry of Labour indicating that most Haitian workers in 2017 were located in the south of Brazil, primarily in:

- Santa Catarina (6,642 hired and 3,749 dismissed);
- Rio Grande do Sul (4,018 hired and 2,382 dismissed);
- Paraná (3,856 hired and 2,007 dismissed);
- São Paulo (2,940 hired 1,830 dismissed);
- Minas Gerais (1,311 hired and 802 dismissed);

- Mato Grosso (1,130 hired and 774 dismissed) (OBMigra 2018, 82-83).

The same source indicates that in 2017, Haitian workers in formal employment were involved in the following economic activities:

- building construction (7.88 percent of hires);
- pig slaughter (7.53 percent of hires);
- poultry slaughter (7.29 percent of hires);
- restaurants and similar (5.97 percent of hires); and
- [translation] "other" (60.24 percent of hires) (OBMigra 2018, 86-87).

The main occupations of Haitian workers in 2018 were:

- production line feeder (16.42 percent);
- construction workers (10.23 percent);
- janitor (9.06 percent);
- butcher (6.71 percent);
- food services workers (3.80 percent); and
- [translation] "other" (32.02 percent) (OBMigra 2019, 62).

2. Treatment of Haitians in Brazil

According to the *BTI 2018*,

[m]igration to Brazil has increased in recent years. A large number of Haitians have come to Brazil, through the Amazon, in search of jobs and better living conditions. Other countries that stood out in sending immigrants were Ghana, Bangladesh, Senegal and Angola. This expansion in immigration has brought challenges. Despite its internationally recognized receptivity, Brazil has observed an increase in cases of xenophobia. Also, many foreigners in Brazil suffer from precarious living conditions. (Bertelsmann Stiftung 2018, 6)

According to the US Department of State's *Country Reports on Human Rights Practices for 2018* for Brazil, the law "prohibits racial discrimination, specifically the denial of public or private facilities, employment, or housing to anyone based on race," but

darker-skinned citizens, particularly Afro-Brazilians, encountered discrimination ...[,] were underrepresented in the government, professional positions, and middle and upper classes. They experienced a higher rate of unemployment and earned average wages below those of whites in similar positions. (US 13 Mar. 2019, 18)

According to Minority Rights Group International (MRG),

Afro-Brazilians are about half the population, but their economic participation is only 20 per cent of the GDP. Unemployment is 50 per cent higher among Afro-Brazilians than among whites, and blacks who are employed earn less than half of what whites earn. The majority of Afro-Brazilians, 78 per cent, live below the poverty line compared to 40 per cent of whites ... The statistics disaggregated by race widely available throughout Brazil demonstrate a consistent socioeconomic gap between blacks and whites due to discrimination in every aspect of society. (MRG n.d.)

Sources indicate that there have been past instances of violent attacks, such as shootings or stabbings, as well as racism against immigrants, including Haitians (Huffington Post 22 Aug. 2016; TeleSUR 9 Aug. 2015; UOL 16 May 2016), as well as workplace or employment-related prejudice (Feldmann Dutra and da Silva July 2016; O Tempo 12 Dec. 2016; UOL 16 May 2016). For further information on the situation of Haitians in Brazil, including access to employment and education, state protection and support services, see Response to Information Request ZZZ106127 of June 2018. Further information on treatment of Haitians in Brazil could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Recourses

Information on recourse against discrimination was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate that the Brazilian constitution guarantees protection against racial discrimination (Bertelsmann Stiftung 2018, 11; Brazil 21 Mar. 2018). US *Country Reports 2018* indicates that "[l]abor laws and regulations prohibit discrimination on the basis of race ... [and] natural origin or citizenship" (US 13 Mar. 2019, 24). According to the website of the government of Brazil, Law No. 12,288 of July 20, 2010

established the Racial Equality Statute, aimed at guaranteeing black people the realization of equal opportunity, the defence of individual, collective and diffuse ethnic rights and the fight against discrimination and other forms of ethnic intolerance. The practice of racism constitutes an unbailable, imprescriptible crime (i.e. it is not eligible to bail and does not have a statute of limitations), punishable by imprisonment according to Article 5 of the Constitution. (Brazil 21 Mar. 2018)

Information on the implementation of the Racial Equality Statute could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. *US Country Reports 2018* indicates that

[t]he government generally enforced the laws and regulations, although discrimination in employment occurred with respect to Afro-Brazilians The Ministry of Labor implemented rules to integrate promotion of racial equality in its programs, including requiring race be included in data for programs financed by the ministry. (US 13 Mar. 2019, 24-25)

Without providing further details, the *BTI 2018* states that recourse available against discrimination, including "mechanisms and institutions to prosecute, punish and redress," can be ineffective (Bertelsmann Stiftung 2018, 11).

According to the website of the government of Brazil, complaints of racism can be submitted to the Disque 100, a public call centre operated by the Ministry of Human Rights (Ministério da Mulher, da Família e dos Direitos Humanos), which is described as "a direct channel for the receipt of complaints of racism" (Brazil 21 Mar. 2018). Disque 100 operates 24 hours a day, 7 days a week, and its services are free of charge (Brazil 21 Mar. 2018). The same source indicates that complaints received by the Disque 100 are "reviewed, treated and forwarded to the responsible bodies" (Brazil 21 Mar. 2018). The sources further reports that in the first half of 2017, Disque 100 received 195 complaints; the states that received the largest number of complaints were São Paulo (33), Rio de Janeiro (25) and Bahia (18) (Brazil 21 Mar. 2018).

The Brazilian government also operates the National Cyber Crimes Reporting Centre, which receives complaints about websites with racist content, neo-Nazism, or incitement of crimes against life, among other cybercrimes (Brazil 21 Mar. 2018). Further information on the implementation of available recourse, including the outcome of the above-mentioned cases, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] The Observatory of International Migration (Observatório das migrações internacionais, OBMigra) is an institute for the purpose of studying international migratory patterns in Brazil, in cooperation with the Ministry of Labor and Employment (Ministério do Trabalho e Emprego, MTE), the National Council for Immigration (Conselho Nacional de Imigração, CNIg), and the Department of Latin-American Studies (Departamento de Estudos Latino-Americanos, ELA) of the Social Sciences Institute (Instituto de Ciências Sociais, ICS) at the Universidade de Brasília (UnB) (UnB n.d.).

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O Tempo. 12 December 2016. Aline Diniz. "[Imigrantes haitianos sofrem com xenofobia no trabalho](#)." [Accessed 10 June 2019]

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Additional Sources Consulted

Oral sources: Academic in Brazil who conducts research on Latin American migration; Associação dos Haitianos no Rio de Janeiro; Associação Sociocultural dos Haitianos de Três Lagoas; Associação de Imigrantes Haitianos de Bento Gonçalves; Caritas Internationalis; law office in Sao Paulo; Missão Paz; Serviço Jesuíta a Migrante e Refugiados; União social dos Imigrantes Haitianos.

Internet sites, including: Agência Brasil; Al Jazeera; Amnesty International; Brazil – Centro Scalabriniano de Estudos Migratórios, Conselho Nacional de Imigração (CNIg), Instituto Brasileiro de Geografia e Estatística, Ministério da Economia, Ministério da Justiça e Segurança Pública, Ministério da Mulher, da Família e dos Direitos Humanos, Rede Observatórios do Trabalho; The Conversation; Deutsche Welle; ecoi.net; Factiva; FGV DAPP; *Folha PE*; *Folha de S.Paulo*; Geledés; Human Rights Watch; Instituto de Políticas Públicas en Derechos Humanos del MERCOSUR; Instituto Migrações e Direitos Humanos; International Organization for Migration; Inter Press Service; *The New York Times*; *Miami Herald*; MigraMundo; Organization of American States; *Orlando Sentinel*; Perspectivas Lateinamerika; Repórter Brasil; *The Rio Times*; Scielo; UN – High Commission for Refugees, Refworld; *The Washington Post*; Voice of San Diego.

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